

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA )  
)  
Plaintiff, )  
)  
v. )  
)  
LAMAR PEARSON, )  
)  
Defendant. )

Case No. 4:13 CR 184 CDP

**DEFENDANT PEARSON'S SUPPLEMENTAL MOTION FOR RETROACTIVE AP-  
PLICATION OF SENTENCING GUIDELINES AMENDMENT 782**

Defendant Lamar Pearson, through his attorney, Assistant Federal Public Defender Lucy Liggett, moves for a sentence reduction pursuant to retroactive Sentencing Guideline Amendment 782. In support of this motion he states:

1. Pearson is currently incarcerated at the Missouri Department of Corrections' Potosi Correctional Center, serving the 71-month sentence this Court imposed on November 25, 2013. This federal sentence is concurrent to a sentence that Pearson is serving as a consequence of his parole revocation on a life sentence he received in 1990 and to a 10-year sentence Pearson received in the Circuit Court for the City of St. Louis for the same conduct that underlies the federal sentence. See Presentence Investigation Report at 11, ¶43. The revocation of Pearson's parole resulted from the conduct underlying his new state and federal convictions. Since being returned to the Missouri Department of Corrections, Pearson has had no conduct violations. He has completed a course titled "Pathway

to Change," and is on the waiting list for further educational programs including those to prepare him for a GED examination.

2. On July 17, 2015, Senior United States Probation Officer Alison K. Lupo filed a letter with the Court indicating that Pearson is eligible for a sentence reduction pursuant to Amendment 782. Pearson believes that her analysis is correct.

3. Problems communicating with Pearson have delayed the filing of this supplemental motion. On Friday, October 9, 2015, Pearson's attorney met with him at the Potosi Correctional Institution and learned that the Missouri Board of Probation and Parole will not see him until January, 2018. His attorney confirmed this scheduling with a parole analyst at the Missouri Board of Probation and Parole. Pearson hopes that the Board will re-parole him in January, 2020, but there is no certainty to this hope.

4. Pearson has maintained his relationship with Kristina Drake. Ms. Drake and her family visit Pearson at Potosi when possible and Pearson plans to reside with her when he returns to the community. See Presentence Investigation Report at 12.

5. At Pearson's November 25, 2013 sentencing, his guideline range was 57 to 71 months. Amendment 782 would reduce this range to 46 to 57 months. A 46-month sentence would require service of 40 months and two days. See 18 U.S.C. § 3624(b)(1). In Pearson's case, the incarceration portion of a 46-month sentence would expire approximately in March 2017, because he received no jail credit under 18 U.S.C. § 3585, given his being in primary state custody and the

credit of that custody towards service of his parole-revocation sentence and new state sentence. Because the Missouri Department of Corrections controls the timing of Pearson's return to the community, the expiration of the incarceration portion of Pearson's federal sentence would result only in the removal of a federal detainer with the Missouri Department of Corrections. The removal of the detainer, however, would enable Pearson to progress through the Missouri correctional system without the security complication created by the detainer. Pearson would still be required to serve the three-year supervised release that this Court imposed at sentencing.

WHEREFORE, Defendant respectfully requests that the Court reduce his 71-month sentence to 46 months effective November 15, 2015.

Dated October 15, 2015.

Respectfully submitted,

/s/ Lucy Liggett  
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Attorney for Defendant Pearson

**CERTIFICATE OF SERVICE**

I hereby certify that on October 15, 2015, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Assistant United States Attorney Tiffany Becker.

/s/ Lucy Liggett